

Application No. 10/646,484  
Amendment "A" and Response dated November 23, 2005  
Reply to Office Action mailed November 1, 2005

### REMARKS

Applicants and Applicants' attorneys express appreciation to the Examiner for the courtesies extended during the recent interview held on November 15, 2005. Reconsideration and allowance of the above-identified application are now respectfully requested.

Claims 1-56 and 58-69 remain pending in the application, wherein claims 1, 12, 14-16, 42-45, 60, 61 and 68 have been amended, claim 57 was cancelled, and new claim 69 was added.

As presented herein for reconsideration, the claimed articles of manufacture for use in treating a person's teeth and/or gingival include in one aspect (see claim 1 for example) a substantially solid and coherent medicament composition having a tray-like configuration and "a rigidity so as to maintain itself in the tray-like configuration absent external support". In another aspect, the claimed treatment device (see claim 45 for example) comprises a barrier layer having "a front side wall, a rear side wall, and a trough between said front and rear side walls" and "a medicament layer within said trough comprising a substantially solid medicament composition" that is also in the "shape of a dental tray" and has "a rigidity so as to at least partially contribute to maintaining said treatment device in the shape of a dental tray prior to placing said treatment device over a person's teeth". The medicament composition of the claimed articles also has increased adhesiveness to teeth when moistened by saliva or water, and is comprised of at least one medicament and at least one tooth adhesion agent that forms a substantially solid matrix within which the medicament is dispersed and that at least partially contributes to the increased adhesiveness to teeth when the medicament composition is moistened by saliva or water.

As discussed during the Examiner Interview, one advantage of a substantially solid medicament composition is the ability of the composition to maintain itself in the shape of a tray-like configuration in the absence of external support and/or at least partially contribute to maintaining a treatment device in the shape of a dental tray prior to use. This contributes to the ease of placing a medicament composition or treatment device over a person's teeth during use. The increased adhesion of the medicament composition or layer to teeth when moistened also provides close fit of the medicament composition or treatment device to a user's teeth without requiring the use of a customized dental tray (*i.e.*, the claimed articles of manufacture can be used with or include a wide range of barrier layers).

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U.S. Patent Publication No. 2004/0005277 to Willison et al.<sup>1</sup> neither teaches nor suggests articles of manufacture for use in treating a person's teeth and/or gingival as claimed and presented herein (e.g., claims 1 and 45). During the Examiner Interview, the Examiner pointed out that Willison et al. describes the treatment composition disclosed therein as being very flexible. Indeed, Willison et al. teaches that "[t]he oral care layer has minimal flexural stiffness". Page 6, ¶ [0070].

Claim 62 as originally filed alternatively claims a method for manufacturing a substantially solid and coherent medicament composition that includes (i) "mixing together a medicament, a tooth adhesion agent and a solvent to form an intermediate flowable composition" and (ii) "removing at least a portion of said solvent from said intermediate flowable composition so as to form said substantially solid and coherent medicament composition". The resulting medicament composition also has "a tray-like configuration comprising a front side wall, a rear side wall, and a trough between said front and rear side walls". Willison et al. neither teaches nor suggests adding and then removing a solvent to form a substantially solid and coherent oral care composition. For at least this reason Applicants submit that claim 62 as originally filed is patentable over the art of record.

The remaining claim amendments were made to correct typographical errors and/or maintain proper antecedent basis. New dependent claim 69 is based on subject matter recited in original claims 34-36.

Finally, Applicants are filing a Terminal Disclaimer herewith in order to avoid any obviousness-type double patenting rejections as set forth in the Office Action.

In view of the foregoing, Applicants submit that the claims as now presented are in allowable form. In the event the Examiner finds any remaining impediment to the prompt allowance of this application, which may be clarified through a telephone interview or that may

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<sup>1</sup> Because Willison et al. is only citable under 35 U.S.C. § 102(e), Applicants do not admit that Willison et al. is in fact prior art but reserve the right to establish an invention date that predates the filing date of Willison et al.

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be overcome by examiner amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 23<sup>rd</sup> day of November 2005.

Respectfully submitted,



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